THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION No : 17381 of 2005

Dated: 08-08-2005

Between:

G.Lakshmana Rao, S/o. Mullaiah,

Aged about 38 years, R/o. Rajupalem,

Kirlampudi Mandal, East Godavari District.

Petitioner…

And

The Superintending Engineer,

Panchayat Raj Circle, Kakinada,

East Godavari District and others.

Respondents…

ORDER:

This writ petition is filed seeking a Writ of Mandamus to declare the action of the 1st respondent - Superintending Engineer, contemplating to recover the seigniorage charges at the enhanced rates i.e., as per the G.O.Ms.No.217, dated
29-09-2004, as illegal and arbitrary.

It is stated in the affidavit filed in support of the writ petition that the petitioner is a Class-I Contractor carrying on business by executing various civil works in Governmental Engineering Departments and pursuant to the open tender he was awarded a civil work of providing BT to the road from Cheduwada to

Patavala (Balance work). To execute the said work, the petitioner entered into an agreement, dated
10-03-2005, with respondents 1 and 2. It is stated that though the contract was entered into after the rates of seigniorage were enhanced by G.O.Ms.No.217, dated
29-09-2004, while preparing the estimates for the work, respondents 1 and 2 have taken the seigniorage charges at old rates as per G.O.Ms.No.331, dated 21-06-2004. There is a specific clause in the agreement with regard to rate of contract that though the same is subject to revision and amendment by the Government from time to time, the rates of seigniorage charges will be recovered from the bills of the contractors at the old rates specified in the agreement as per
G.O.Ms.No.331, dated 21-06-2000. The petitioner commenced the work and the same is in progress. The old rates were revised by the Government by G.O.Ms.No.217 Industries and Commerce (MI) Department, dated
29-09-2004. It is further stated that respondents 1 and 2 are contemplating to deduct the seigniorage charges from the petitioner bills computed at the revised rates as per
G.O.Ms.No.217, dated 29-09-2004, which is illegal and arbitrary.

Heard the learned counsel appearing for the petitioner and the learned Government Pleader appearing for the Panchayat Raj and Rural Development.

Learned counsel for the petitioner stated that aggrieved by the action of the respondents 1 and 2, he submitted the representation dated 20-07-2005 before the 1st respondent with a request to compute the seigionarage charges as per the agreement dated 10-03-2005 which is evident from the material made available on record.

Having regard to the facts and circumstances of the case, without expressing any opinion on the merits of the case, I deem it appropriate to dispose of the writ petition,
at the stage of admission, with a direction to the

1st respondent to dispose of the representation dated 20-07-2005 of the petitioner, within four weeks from the date of receipt of a copy of this order, after affording an opportunity of being heard to the petitioner to rebut the allegations, in accordance with law.

The Writ Petition is accordingly, disposed of. No order as to costs.

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ELIPE DHARMA RAO, J

Dated: 08-08-2005

LSK